

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
NE/Corner Magleth & Melaine Rds. \* ZONING COMMISSIONER  
(9751 Magleth Road)  
11th Election District  
6th Councilmanic District \* OF BALTIMORE COUNTY  
Charles C. Chlebda, Sr., et ux \* Case No. 93-29-A  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charles C., Sr. and Patricia G. Chlebda. The Petitioners request relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 25 feet for a proposed 14' x 28' addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of September, 1992 that the Petition for Administrative Variance requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 25 feet for a proposed 14' x 28' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 11, 1992

(410) 887-4386

Mr. & Mrs. Charles C. Chlebda, Sr.  
9751 Magleth Road  
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
NE/Corner Magleth and Melaine Roads  
(9751 Magleth Road)  
11th Election District - 6th Councilmanic District  
Charles C. Chlebda, Sr., et ux - Petitioners  
Case No. 93-29-A

Dear Mr. & Mrs. Chlebda:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9751 Magleth Road  
Baltimore, MD 21234

which is presently zoned Residential

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property within Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1.802.3.B to permit a side yard setback of 12 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

**HARDSHIP**  
Mrs. Chlebda's Mother (Mrs. Marie Johnson) will be moving to and residing at the 9751 Magleth Road address. The present configuration of the house at this address is unable to accommodate Mrs. Johnson due to her physical limitations. Mrs. Johnson has great difficulty in climbing steps, therefore, a second floor addition/expansion is unacceptable.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zip Code

Address

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
29th day of July, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Charles C. Chlebda, et ux  
Petitioner's Attorney:

7760-92  
JW

Development Review Committee Response Form  
Authorized signature: *Robert C. Conley* Date: 8/24/92

Project Name: Stonegate at Patapsco (Acreal Property)  
File Number: 90476 Waiver Number: ZON DEO Zoning Issue: TE Meeting Date: 8-1-92  
(Waiting for developer to submit plans first)

COUNT 1  
✓ Theresa A. Mahisted NC 7-13-92  
DED DEPRM STP

COUNT 1  
Owings Run Apartments  
91360 DEPRM (SWM) (EIR) NC 7-20-92

COUNT 1  
✓ Alfred Pinkard 28 NC 8-10-92  
DED DEPRM RP STP TE  
✓ Bee Tree Partnership 30 NC  
DED DEPRM RP STP TE  
✓ Albert F. Baumgart 31 NC  
DED DEPRM RP STP TE  
✓ Edith B. Ransom 32 NC  
DED DEPRM RP STP TE  
Michael And Patricia A. Perholtz 33 W/C  
DED DEPRM RP STP TE  
✓ Charles C., Sr. And Patricia G. Chlebda N/C  
DED DEPRM RP STP TE

COUNT 6

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1992  
Zoning Administration and  
Development Management

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
August 10, 1992

The Office of Planning and Zoning has no comments on the  
following petitions:

Item No. 28, Alfred Pinkard  
Item No. 30, Bee Tree Partnership  
Item No. 31, Albert Baumgart  
Item No. 32, Edith Ransom  
Item No. 33, Michael and Patricia Perholtz  
Item No. 34, Charles and Patricia Chlebda

If there should be any further questions or if this office can  
provide additional information, please contact Francis Morsey in the  
Office of Planning at 887-3211.

EM/FM/rdn

RECEIVED  
AUG 25 1992  
ZONING OFFICE

ITMS28.33/ZAC1

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *Robert C. Conley* Date: 8/24/92

Project Name: Stonegate at Patapsco (Acreal Property)  
File Number: 90476 Waiver Number: ZON DEO Zoning Issue: TE Meeting Date: 8-1-92  
(Waiting for developer to submit plans first)

COUNT 1  
✓ Alfred Pinkard 28 N/C 8-10-92  
DED DEPRM RP STP TE  
Bee Tree Partnership 30 N/C  
DED DEPRM RP STP TE  
✓ Albert F. Baumgart 31 N/C  
DED DEPRM RP STP TE  
✓ Edith B. Ransom 32 N/C  
DED DEPRM RP STP TE  
Michael And Patricia A. Perholtz 33 W/C  
DED DEPRM RP STP TE  
✓ Charles C., Sr. And Patricia G. Chlebda N/C  
DED DEPRM RP STP TE

COUNT 6  
Colonial Village Company 19 W/C 8-3-92  
DEPRM STP TE  
Susan J. Blum 23 W/C  
DEPRM STP TE

COUNT 2  
FINAL TOTALS  
COUNT 9

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

AUGUST 6, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CHARLES C. CHLEBDA, SR. AND PATRICIA G. CHLEBDA  
Location: 49751 MAGLET ROAD  
Item No.: \* 34 (JCM) Zoning Agenda: AUGUST 10, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Not Jerry Deigan* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JR/KEK

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AUG 10 1992  
ZONING OFFICE

93-29-A 8-31

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *Walter R.* Date: 8/31/92

Project Name: Alfred Pinkard  
File Number: DEPRM RP Waiver Number: 28 Zoning Issue: B-10-92 Meeting Date: 8-10-92  
Bee Tree Partnership  
DEPRM RP No Comment 30  
Albert F. Baumgart  
DEPRM RP No Comment 31  
Edith B. Ransom  
DEPRM RP No Comment 32  
Michael And Patricia A. Perholtz  
DEPRM RP No Comment 33  
Charles C., Sr. And Patricia G. Chlebda  
RP No Comment 34

COUNT 6  
✓ James And Linda Heier 35 8-24-92  
DED DEPRM RP STP TE No Comment  
Allan L. Snyder Et. Al.  
DED DEPRM RP STP TE No Comment  
Salvo Auto Parts  
DED DEPRM RP STP TE No Comment  
Adela M. Lombardi And Florence Kinsky  
DED DEPRM RP STP TE No Comment  
Helaine G. And Melvin R. Trosch  
DED DEPRM RP STP TE No Comment  
Baltimore County Club of Baltimore City  
DED DEPRM RP STP TE No Comment

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

August 5, 1992 (410) 887-3353

Charles & Patricia Chlebda  
9751 Magleth Road  
Baltimore MD 21204

Re: CASE NUMBER: 93-29-A  
LOCATION: 9751 Magleth Road  
11th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case  
number. Any contact made with this office should reference the case number. This letter also serves as a  
receipt regarding the administrative process.

1) Your property will be posted on or before August 16, 1992. The closing date is August 31, 1992.  
The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the  
closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order  
will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that  
the matter be set in for a public hearing. You will receive written notification as to whether or not your  
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the  
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.  
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after  
the closing date. Failure to return the sign and post will result in a \$20.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE  
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND  
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE  
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR  
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schick*  
Lawrence E. Schick  
Zoning Commissioner, Baltimore County

93-29-A 32

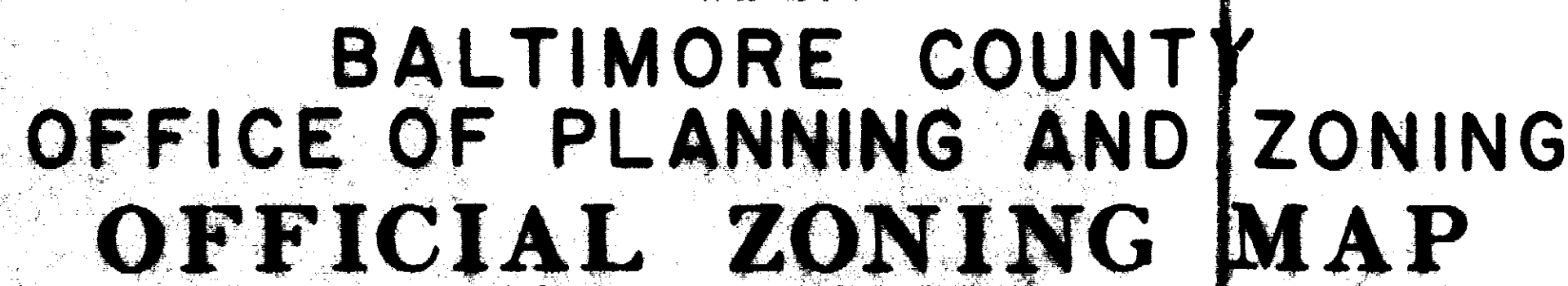
THE PLAT  
"OWNERSHIP"

LOT 20 3602 Melanie Road  
Owner : Homan, Frederick J and Kathleen C  
Account # : 1900008572  
Map # : 71  
Grid # : 11  
Parcel # : 53  
Subdivision : Village of Vanderway 5579 sq ft 0.1280 Ac  
Front Footage : 60.00 feet  
Back Footage : 60.00 feet  
Side 1 : 93.00 feet  
Side 2 : 93.00 feet

LOT 17 9751 Magleth Road  
Owner : Nelson, Patricia A and Timothy M  
Account # : 1900008569  
Map # : 71  
Grid # : 11  
Parcel # : 53  
Subdivision : Village of Vanderway 6967 sq ft 0.1599 Ac  
Front Footage : 67.32 feet  
Back Footage : 77.03 feet  
Side 1 : 104.00 feet  
Side 2 : 106.17 feet

93-29-A





93-29-A